

By: Buckingham, et al.
(Paddie)

S.B. No. 604

Substitute the following for S.B. No. 604:

By: Hefner

C.S.S.B. No. 604

A BILL TO BE ENTITLED

AN ACT

relating to the continuation and functions of the Texas Department of Motor Vehicles and to the operations of certain other entities performing functions associated with the department.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. GENERAL PROVISIONS

SECTION 1.01. Section 1001.005, Transportation Code, is amended to read as follows:

Sec. 1001.005. SUNSET PROVISION. The department is subject to Chapter 325, Government Code (Texas Sunset Act). Unless continued in existence as provided by that chapter, the department is abolished September 1, 2031 ~~[2019]~~.

SECTION 1.02. Section 1001.030, Transportation Code, is amended to read as follows:

Sec. 1001.030. BOARD MEMBER TRAINING ~~[ON DEPARTMENT AND CERTAIN LAWS RELATING TO DEPARTMENT]~~. (a) A ~~[To be eligible to take office as a member of the board, a]~~ person who is appointed to and qualifies for office as a member of the board may not vote, deliberate, or be counted as a member in attendance at a meeting of the board until the person completes ~~[must complete at least one course of]~~ a training program that complies with this section.

(b) The training program must provide the person with information ~~[to the person]~~ regarding:

1 (1) the law governing department operations [~~this~~
2 ~~subchapter~~];

3 (2) the board's programs, functions, and rules and the
4 budget of [~~operated by~~] the department;

5 (3) the scope of and limitations on the rulemaking
6 authority [~~role and functions~~] of the board [~~department~~];

7 (4) the types of board rules, interpretations, and
8 enforcement actions that may implicate federal antitrust law by
9 limiting competition or impacting prices charged by persons engaged
10 in a profession or business the board regulates, including any
11 rule, interpretation, or enforcement action that:

12 (A) regulates the scope of practice of persons in
13 a profession or business the board regulates;

14 (B) restricts advertising by persons in a
15 profession or business the board regulates;

16 (C) affects the price of goods or services
17 provided by persons in a profession or business the board
18 regulates; or

19 (D) restricts participation in a profession or
20 business the board regulates [~~rules of the department with an~~
21 ~~emphasis on the rules that relate to disciplinary and investigatory~~
22 ~~authority~~];

23 (5) [~~the current budget for the department,~~

24 [~~6~~] the results of the most recent formal audit of
25 the department;

26 (6) [~~7~~] the requirements of [~~the~~]:

27 (A) laws relating to open meetings, public

1 information, [law, Chapter 551, Government Code,
2 [~~(B)~~ open records law, Chapter 552, Government
3 Code, and
4 [~~(C)~~ administrative procedure [law], and
5 disclosure of conflicts of interest; and
6 (B) other laws applicable to members of the board
7 in performing their duties [Chapter 2001, Government Code,
8 [~~(8)~~ the requirements of the conflict of interest laws
9 and other laws relating to public officials]; and
10 (7) [~~(9)~~ any applicable ethics policies adopted by
11 the department [board] or the Texas Ethics Commission.

12 (c) A person appointed to the board is entitled to
13 reimbursement, as provided by the General Appropriations Act, for
14 the travel expenses incurred in attending the training program,
15 regardless of whether the attendance at the program occurs before
16 or after [as provided by the General Appropriations Act and as if]
17 the person qualifies for office [were a member of the board].

18 (d) The executive director shall create a training manual
19 that includes the information required by Subsection (b). The
20 executive director shall distribute a copy of the training manual
21 annually to each member of the board. Each member of the board
22 shall sign and submit to the executive director a statement
23 acknowledging that the member received and has reviewed the
24 training manual.

25 SECTION 1.03. Section 1001.041(a), Transportation Code, is
26 amended to read as follows:

27 (a) Subject to the General Appropriations Act or other law,

1 the executive director shall appoint deputies, assistants, and
2 other personnel, including a general counsel, as necessary to carry
3 out the powers and duties of the department under this code, other
4 applicable vehicle laws of this state, and other laws granting
5 jurisdiction or applicable to the department.

6 SECTION 1.04. Section 1001.0411, Transportation Code, is
7 amended by adding Subsection (c) to read as follows:

8 (c) In accordance with Section 1001.041(a), the executive
9 director shall hire and oversee a general counsel to advise the
10 department.

11 SECTION 1.05. Section 1001.042, Transportation Code, is
12 amended to read as follows:

13 Sec. 1001.042. DIVISION OF RESPONSIBILITIES. The board
14 shall develop and implement policies that clearly separate ~~[define]~~
15 the policy-making responsibilities of the board and the management
16 ~~[respective]~~ responsibilities of the executive director, including
17 the appointment of department staff, and the staff of the
18 department.

19 SECTION 1.06. Chapter 1003, Transportation Code, is amended
20 by adding Sections 1003.0055 and 1003.008 to read as follows:

21 Sec. 1003.0055. COMPLAINTS. (a) The department shall
22 maintain a system to promptly and efficiently act on complaints
23 filed with the department. The department shall maintain
24 information about parties to and the subject matter of the
25 complaint and a summary of the results of the review or
26 investigation of the complaint and the disposition of the
27 complaint.

1 (b) The department shall make information available
2 describing its procedures for complaint investigation and
3 resolution.

4 (c) The department shall periodically notify the parties to
5 the complaint of the status of the complaint until final
6 disposition.

7 Sec. 1003.008. NEGOTIATED RULEMAKING AND ALTERNATIVE
8 DISPUTE RESOLUTION POLICY. (a) The board shall develop and
9 implement a policy to encourage the use of:

10 (1) negotiated rulemaking procedures under Chapter
11 2008, Government Code, for the adoption of department rules; and

12 (2) appropriate alternative dispute resolution
13 procedures under Chapter 2009, Government Code, to assist in the
14 resolution of internal and external disputes under the department's
15 jurisdiction.

16 (b) The department's procedures relating to alternative
17 dispute resolution must conform, to the extent possible, to any
18 model guidelines issued by the State Office of Administrative
19 Hearings for the use of alternative dispute resolution by state
20 agencies.

21 (c) The department shall:

22 (1) coordinate the implementation of the policy
23 developed under Subsection (a);

24 (2) provide training as needed to implement the
25 procedures for negotiated rulemaking or alternative dispute
26 resolution; and

27 (3) collect data concerning the effectiveness of those

1 procedures.

2 SECTION 1.07. The following provisions are repealed:

3 (1) Section 2110.002(c), Government Code; and

4 (2) Section 1001.031(a-1), Transportation Code.

5 SECTION 1.08. (a) Except as provided by Subsection (b) of
6 this section, Section 1001.030, Transportation Code, as amended by
7 this Act, applies to a member of the board of the Texas Department
8 of Motor Vehicles who is appointed before, on, or after the
9 effective date of this Act.

10 (b) A member of the board of the Texas Department of Motor
11 Vehicles who, before the effective date of this Act, completed the
12 training program required by Section 1001.030, Transportation
13 Code, as that law existed before the effective date of this Act, is
14 required to complete additional training only on subjects added by
15 this Act to the training program as required by Section 1001.030,
16 Transportation Code, as amended by this Act. A board member
17 described by this subsection may not vote, deliberate, or be
18 counted as a member in attendance at a meeting of the board held on
19 or after December 1, 2019, until the member completes the
20 additional training.

21 ARTICLE 2. LICENSING

22 SECTION 2.01. Section 2301.251(a), Occupations Code, is
23 amended to read as follows:

24 (a) Unless a person holds a license issued under this
25 chapter authorizing the activity, the person may not:

26 (1) engage in business as, serve in the capacity of, or
27 act as a dealer, manufacturer, distributor, converter,

1 ~~[representative,~~ vehicle lessor, or vehicle lease facilitator in
2 this state; or

3 (2) perform or offer to perform repair services on a
4 motor vehicle under a franchise and a motor vehicle manufacturer's
5 warranty, regardless of whether the person sells or offers to sell
6 motor vehicles at the same location.

7 SECTION 2.02. Section 2301.258, Occupations Code, is
8 amended to read as follows:

9 Sec. 2301.258. GENERAL REQUIREMENTS FOR APPLICATION FOR
10 MANUFACTURER'S, DISTRIBUTOR'S, OR CONVERTER'S~~[, — OR~~
11 ~~REPRESENTATIVE'S]~~ LICENSE. An application for a manufacturer's,
12 distributor's, or converter's~~[, — or representative's]~~ license must
13 be on a form prescribed by the department. The application must
14 include information the department determines necessary to fully
15 determine the qualifications of an applicant, including financial
16 resources, business integrity and experience, facilities and
17 personnel for serving franchised dealers, and other information the
18 department determines pertinent to safeguard the public interest
19 and welfare.

20 SECTION 2.03. Section 2301.264(a), Occupations Code, is
21 amended to read as follows:

22 (a) The annual fees for a license issued under this chapter
23 are:

24 (1) \$900 for a manufacturer or distributor, plus \$20
25 for each dealer franchised by the manufacturer or distributor;

26 (2) for a franchised dealer:

27 (A) \$175, if the dealer sold fewer than 201 new

1 motor vehicles during the preceding calendar year;

2 (B) \$275, if the dealer sold more than 200 but
3 fewer than 401 new motor vehicles during the preceding calendar
4 year;

5 (C) \$400, if the dealer sold more than 400 but
6 fewer than 801 new motor vehicles during the preceding calendar
7 year;

8 (D) \$500, if the dealer sold more than 800 but
9 fewer than 1,201 new motor vehicles during the preceding calendar
10 year;

11 (E) \$625, if the dealer sold more than 1,200 but
12 fewer than 1,601 new motor vehicles during the preceding calendar
13 year;

14 (F) \$750, if the dealer sold more than 1,600 new
15 motor vehicles during the preceding calendar year; and

16 (G) \$100 for each location separate from the
17 dealership at which the dealer does not offer motor vehicles for
18 sale but performs warranty service work on vehicles the dealer is
19 franchised and licensed to sell;

20 (3) [~~\$100 for a representative,~~

21 [~~(4)~~] \$375 for a converter;

22 (4) [~~(5)~~] for a vehicle lessor:

23 (A) \$175, if the lessor leased 200 or fewer motor
24 vehicles during the preceding calendar year;

25 (B) \$275, if the lessor leased more than 200 but
26 fewer than 401 motor vehicles during the preceding calendar year;

27 (C) \$400, if the lessor leased more than 400 but

fewer than 801 motor vehicles during the preceding calendar year;

(D) \$500, if the lessor leased more than 800 but fewer than 1,201 motor vehicles during the preceding calendar year;

(E) \$625, if the lessor leased more than 1,200 but fewer than 1,601 motor vehicles during the preceding calendar year; and

(F) \$750, if the lessor leased more than 1,600 motor vehicles during the preceding calendar year; and

(5) ~~[(6)]~~ \$375 for a vehicle lease facilitator.

SECTION 2.04. Section 2301.304, Occupations Code, is amended to read as follows:

Sec. 2301.304. PROCEDURE FOR RENEWAL OF CERTAIN LICENSES. The holder of a manufacturer's, distributor's, or converter's~~[, or representative's]~~ license may apply for a renewal of the license by complying with the application process specified by this chapter and board rule.

SECTION 2.05. Section 2301.709, Occupations Code, is amended by adding Subsection (d) to read as follows:

(d) The board shall adopt rules and policies that establish standards for reviewing a case under this subchapter. The rules and policies must:

(1) specify the role of division personnel in managing contested cases before the board or a person delegated power from the board under Section 2301.154, including advising on procedural matters;

(2) specify appropriate conduct and discussion by the board or a person delegated power from the board under Section

1 2301.154 regarding proposals for decision issued by administrative
2 law judges;

3 (3) specify clear expectations limiting arguments and
4 discussion under Subsection (b) to evidence in the record of the
5 contested case hearing held by the administrative law judge;

6 (4) address ex parte communications; and

7 (5) distinguish between using industry expertise and
8 representing or advocating for an industry when reviewing a case
9 under this subchapter.

10 SECTION 2.06. Subchapter Q, Chapter 2301, Occupations Code,
11 is amended by adding Section 2301.807 to read as follows:

12 Sec. 2301.807. REFUND. If, after a proceeding under this
13 chapter and board rules, the board determines that a person is
14 violating or has violated this chapter or a rule adopted or order
15 issued under this chapter, the board may order the person to pay a
16 refund to the buyer or lessee of the motor vehicle that is the
17 subject of the proceeding.

18 SECTION 2.07. Section 2302.101, Occupations Code, is
19 amended to read as follows:

20 Sec. 2302.101. [~~LICENSE REQUIRED FOR~~] SALVAGE VEHICLE
21 DEALER LICENSE. (a) Unless a person holds a salvage vehicle
22 dealer license issued under this chapter, the person may not:

23 (1) act as a salvage vehicle dealer or rebuilder; or

24 (2) store or display a motor vehicle as an agent or
25 escrow agent of an insurance company.

26 (b) A person who holds a salvage vehicle dealer license
27 issued under this chapter may perform any of the activities of a

1 salvage vehicle dealer, including:

2 (1) buying salvage motor vehicles and nonrepairable
3 motor vehicles or selling salvage motor vehicles and nonrepairable
4 motor vehicles that have been issued a salvage vehicle title or
5 nonrepairable vehicle title, as appropriate;

6 (2) engaging in the business of selling nonrepairable
7 motor vehicles or salvage motor vehicles at auction, including
8 wholesale auction;

9 (3) offering or negotiating to sell or buy salvage
10 motor vehicles or nonrepairable motor vehicles owned by a license
11 holder and to be purchased or sold by another license holder;

12 (4) acting as the agent or representative of a license
13 holder in performing an act described by Subdivision (3); and

14 (5) acquiring and repairing, rebuilding, or
15 reconstructing for operation on a public highway more than five
16 salvage motor vehicles in a calendar year.

17 SECTION 2.08. Section [2302.103](#), Occupations Code, is
18 amended to read as follows:

19 Sec. 2302.103. APPLICATION FOR SALVAGE VEHICLE DEALER
20 LICENSE. ~~[(a)]~~ To apply for a salvage vehicle dealer license, a
21 person must submit to the department an application on a form
22 prescribed by the department and the application fee.

23 ~~[(b) An applicant may apply for a salvage vehicle dealer~~
24 ~~license with an endorsement in one or more of the following~~
25 ~~classifications:~~

26 ~~[(1) new automobile dealer,~~

27 ~~[(2) used automobile dealer,~~

1 ~~[(3) salvage pool operator,~~
2 ~~[(4) salvage vehicle broker, or~~
3 ~~[(5) salvage vehicle rebuilder.]~~

4 SECTION 2.09. Section [2302.151](#), Occupations Code, is
5 amended by amending Subsection (a) and adding Subsection (c) to
6 read as follows:

7 (a) A license issued under this chapter is valid for the
8 period prescribed by the board ~~[expires on the first anniversary of~~
9 ~~the date of issuance]~~.

10 (c) If the board prescribes the term of a license under this
11 chapter for a period other than one year, the board shall prorate
12 the applicable fee required under this chapter as necessary to
13 reflect the term of the license.

14 SECTION 2.10. Section [2302.351](#)(b), Occupations Code, is
15 amended to read as follows:

16 (b) If a salvage vehicle dealer or~~[~~] an employee of the
17 dealer acting in the course of employment~~[, or a salvage vehicle~~
18 ~~agent operating under the dealer's license]~~ is convicted of more
19 than one offense under Section [2302.353](#)(a), the district attorney
20 for a county in which the dealer's salvage business is located may
21 bring an action in that county to enjoin the dealer's business
22 operations for a period of at least one year.

23 SECTION 2.11. Subchapter H, Chapter [2302](#), Occupations Code,
24 is amended by adding Section 2302.355 to read as follows:

25 Sec. 2302.355. CEASE AND DESIST ORDER. If it appears to the
26 board that a person who is not licensed under this chapter is
27 violating this chapter or a rule or order adopted under this

1 chapter, the board, after notice and opportunity for a hearing, may
2 issue a cease and desist order prohibiting the person from engaging
3 in the activity.

4 SECTION 2.12. Section 503.029, Transportation Code, is
5 amended by adding Subsection (d) to read as follows:

6 (d) The department by rule shall:

7 (1) establish education and training requirements, to
8 be provided by an education and training program approved by the
9 department, for an applicant for an original or renewal general
10 distinguishing number who proposes to be an independent motor
11 vehicle dealer; and

12 (2) require the applicant under Subdivision (1) to
13 establish that the applicant completed the education and training
14 required under that subdivision.

15 SECTION 2.13. Subchapter F, Chapter 643, Transportation
16 Code, is amended by adding Section 643.257 to read as follows:

17 Sec. 643.257. REFUND BY MOTOR CARRIERS TRANSPORTING
18 HOUSEHOLD GOODS. The department may order a motor carrier that
19 violates this chapter or a rule or order adopted under this chapter
20 to pay a refund to a consumer who paid the motor carrier to
21 transport household goods.

22 SECTION 2.14. Sections 2301.264(c), 2302.001(6), 2302.102,
23 and 2302.107, Occupations Code, are repealed.

24 SECTION 2.15. (a) The changes in law made by this Act to
25 Chapters 2301 and 2302, Occupations Code, do not affect the
26 validity of a proceeding pending before a court or other
27 governmental entity on the effective date of this Act.

1 (b) An offense or other violation of law committed before
2 the effective date of this Act is governed by the law in effect when
3 the offense or violation was committed, and the former law is
4 continued in effect for that purpose. For purposes of this
5 subsection, an offense or violation was committed before the
6 effective date of this Act if any element of the offense or
7 violation occurred before that date.

8 (c) On the effective date of this Act, a representative's
9 license issued under Chapter 2301, Occupations Code, as that law
10 existed immediately before the effective date of this Act, expires.

11 (d) On the effective date of this Act, a salvage vehicle
12 agent license issued under former Section 2302.107, Occupations
13 Code, expires.

14 (e) Section 2302.151(a), Occupations Code, as amended by
15 this Act, applies only to a license issued or renewed on or after
16 September 1, 2019. A license issued or renewed before that date is
17 governed by the law in effect immediately before the effective date
18 of this Act, and the former law is continued in effect for that
19 purpose.

20 ARTICLE 3. REGISTRATION AND TITLING

21 SECTION 3.01. Section 520.004, Transportation Code, is
22 amended to read as follows:

23 Sec. 520.004. DEPARTMENT RESPONSIBILITIES. The department
24 has jurisdiction over the registration and titling of, and the
25 issuance of license plates to, motor vehicles in compliance with
26 the applicable statutes. The department by rule:

27 (1) shall provide services that are reasonable,

adequate, and efficient;

(2) shall establish standards for uniformity and service quality for counties and dealers licensed under Section 520.005; ~~and~~

(3) may conduct public service education campaigns related to the department's functions; and

(4) shall establish a risk-based system of monitoring and preventing fraudulent activity related to vehicle registration and titling in order to efficiently allocate resources and personnel.

SECTION 3.02. Section 520.005, Transportation Code, is amended by adding Subsection (e) to read as follows:

(e) Each county assessor-collector shall make available to motor vehicle dealers the electronic system designed by the department that allows a motor vehicle dealer to submit a title and registration application online in the name of the purchaser of a motor vehicle.

SECTION 3.03. Subchapter A, Chapter 520, Transportation Code, is amended by adding Sections 520.0075, 520.010, and 520.011 to read as follows:

Sec. 520.0075. CONTRACTING STANDARDS FOR TAX ASSESSOR-COLLECTOR. (a) In this section, "deputy" means a deputy classified as a full service deputy by a board rule adopted under Section 520.0071.

(b) Notwithstanding Section 262.023, Local Government Code, a county tax assessor-collector who awards a contract to a deputy for the performance of registration and titling services must

comply with standard state contracting practices as if the county tax assessor-collector were a state agency, including requirements related to:

(1) purchase methods and competitive bidding under Sections 2155.062 and 2155.063, Government Code;

(2) determining the best value for the county under Sections 2155.074, 2155.075, and 2155.0755, Government Code;

(3) contracting standards and oversight under Chapter 2261, Government Code; and

(4) contract management under Chapter 2262, Government Code.

(c) A contract described by Subsection (b) must:

(1) specify an expiration date and renewal or extension terms for the contract; and

(2) include performance criteria and measures necessary to evaluate the performance of the deputy under the contract.

(d) A county tax assessor-collector shall monitor and evaluate the performance of a deputy awarded a contract described by this section and use that information in determining whether to renew or extend the contract or award a new contract.

Sec. 520.010. AUDIT AND INVESTIGATION RELATED TO REGISTRATION AND TITLING SERVICES. (a) The department may:

(1) audit or perform a compliance review of a person performing registration or titling services;

(2) investigate any provision of state functions related to registration or titling; and

1 (3) access any records needed to conduct the audit,
2 compliance review, or investigation.

3 (b) A county tax assessor-collector may:

4 (1) audit, perform a compliance review of, or
5 investigate a person providing registration or titling services in
6 the county in which the assessor-collector is located; and

7 (2) access any records needed to conduct the audit,
8 compliance review, or investigation.

9 (c) The department's authority under Subsection (a) is not
10 limited by a similar audit, compliance review, or investigation
11 conducted by a county tax assessor-collector under Subsection (b).

12 Sec. 520.011. AUDIT OF COUNTY TAX ASSESSOR-COLLECTOR. The
13 comptroller, in coordination with the department, may include, as
14 part of the comptroller's regular audits of state revenue
15 collection by county tax assessor-collector offices, the review of
16 processes relating to a county's collection and remittance of
17 revenue included in an audit.

18 SECTION 3.04. Chapter 520, Transportation Code, is amended
19 by adding Subchapter C to read as follows:

20 SUBCHAPTER C. AUTOMATED REGISTRATION AND TITLING SYSTEM

21 Sec. 520.021. RULES AND POLICIES. The department may adopt
22 rules and policies for the maintenance and use of the department's
23 automated registration and titling system.

24 Sec. 520.022. ACCESS TO SYSTEM. The department has the sole
25 authority to determine access to the department's automated
26 registration and titling system.

27 Sec. 520.023. TRAINING. (a) The department shall

1 implement a training program providing information on the:

2 (1) department's automated registration and titling
3 system; and

4 (2) identification of fraudulent activity related to
5 vehicle registration and titling.

6 (b) The department shall require a person performing
7 registration or titling services to complete the training under
8 Subsection (a).

9 SECTION 3.05. (a) Each county tax assessor-collector who
10 has, before the effective date of this Act, entered into a contract
11 described by Section 520.0075, Transportation Code, as added by
12 this Act, shall rebid the contract using the contracting standards
13 provided under that section not later than March 31, 2020.

14 (b) In order to assist a county tax assessor-collector in
15 the rebidding of contracts under Subsection (a) of this section,
16 the Texas Department of Motor Vehicles shall provide guidance and
17 recommendations on contracting practices to the county tax
18 assessor-collector.

19 SECTION 3.06. Not later than December 1, 2019, the Texas
20 Department of Motor Vehicles shall adopt rules to implement the
21 training program required by Section 520.023, Transportation Code,
22 as added by this Act.

23 SECTION 3.07. Not later than March 1, 2020, the Texas
24 Department of Motor Vehicles shall, in coordination with county tax
25 assessor-collectors and in accordance with Subchapter C, Chapter
26 520, Transportation Code, as added by this Act, develop, adopt, and
27 implement rules that create clear criteria for the suspension or

denial of access to the department's automated registration and titling system if a county tax assessor-collector suspects abuse, fraud, or waste relating to the system by an employee of the assessor-collector's or a person deputized under Section 520.0071, Transportation Code.

SECTION 3.08. Not later than September 1, 2020, each county tax assessor-collector shall make available the electronic system to motor vehicle dealers as required by Section 520.005(e), Transportation Code, as added by this Act.

ARTICLE 4. MOTOR VEHICLE CRIME PREVENTION AUTHORITY

SECTION 4.01. Subtitle M, Title 7, Transportation Code, is amended by adding Chapter 1006, and a heading is added to that chapter to read as follows:

CHAPTER 1006. MOTOR VEHICLE CRIME PREVENTION AUTHORITY

SECTION 4.02. Chapter 1006, Transportation Code, as added by this Act, is amended by adding Subchapter A, and a heading is added to that subchapter to read as follows:

SUBCHAPTER A. GENERAL PROVISIONS

SECTION 4.03. Section 1, Article 4413(37), Revised Statutes, as amended by Chapters 308 (H.B. 1887) and 927 (H.B. 3225), Acts of the 80th Legislature, Regular Session, 2007, is transferred to Subchapter A, Chapter 1006, Transportation Code, as added by this Act, redesignated as Section 1006.001, Transportation Code, reenacted, and amended to read as follows:

Sec. 1006.001 [1]. DEFINITIONS. In this chapter [~~article~~]:

(1) "Authority" means the Motor Vehicle Crime [~~Automobile Burglary and Theft~~] Prevention Authority.

(2) "Economic motor vehicle theft" means motor vehicle burglary or theft committed for financial gain.

(3) "Insurer" means any insurance company writing any form of motor vehicle insurance in this state, including an interinsurance or reciprocal exchange, mutual company, mutual association, or Lloyd's plan [~~"Department" means the Texas Department of Motor Vehicles~~].

(4) [~~"Director" means the executive director of the Texas Department of Transportation.~~]

~~[-5-]~~ "Motor vehicle" means a self-propelled vehicle or a vehicle, trailer, or semitrailer designed for use with a self-propelled vehicle. The term does not include a vehicle that runs exclusively on fixed rails or tracks or a piece of equipment operated solely on private property.

(5) "Motor vehicle burglary or theft" includes economic motor vehicle theft.

SECTION 4.04. Section 2, Article 4413(37), Revised Statutes, is transferred to Subchapter A, Chapter 1006, Transportation Code, as added by this Act, redesignated as Section 1006.002, Transportation Code, and amended to read as follows:

Sec. 1006.002 [2]. ESTABLISHMENT. The Motor Vehicle Crime [~~Automobile Burglary and Theft~~] Prevention Authority is established in the department [~~Texas Department of Motor Vehicles~~]. The authority is not an advisory body to the department [~~Texas Department of Motor Vehicles~~].

SECTION 4.05. Chapter 1006, Transportation Code, as added by this Act, is amended by adding Subchapter B, and a heading is

added to that subchapter to read as follows:

SUBCHAPTER B. COMPOSITION AND ADMINISTRATION

SECTION 4.06. Sections 3(a), (b), (c), (d), (i), (j), and (k), Article 4413(37), Revised Statutes, are transferred to Subchapter B, Chapter 1006, Transportation Code, as added by this Act, redesignated as Sections 1006.051 and 1006.052, Transportation Code, and amended to read as follows:

Sec. 1006.051. AUTHORITY MEMBERSHIP. (a) The authority is composed of seven members.

(b) The governor, with the advice and consent of the senate, shall appoint the following six members:

(1) two representatives of motor vehicle insurance consumers;

(2) two representatives of insurance companies writing motor vehicle insurance in this state; and

(3) two representatives of law enforcement.

(c) The public safety director of the Department of Public Safety or the director's designee serves ex officio as the seventh member of the authority.

(d) Appointments to the authority shall be made without regard to race, color, disability, sex, religion, age, or national origin of the appointees.

Sec. 1006.052. ELIGIBILITY RESTRICTIONS. (a) ~~[(i)]~~ A person is not eligible for appointment as a representative of motor vehicle insurance consumers under Section 1006.051(b)(1) ~~[Subsection (b)(1) of this section]~~ if the person or the person's spouse:

1 (1) is registered, certified, or licensed by an
2 occupational regulatory agency in the field of motor vehicle
3 insurance or law enforcement;

4 (2) is an officer, employee, or paid consultant of a
5 Texas trade association in the field of motor vehicle insurance or
6 law enforcement;

7 (3) is employed by or participates in the management
8 of a business entity or other organization receiving funds from the
9 authority;

10 (4) owns or controls, directly or indirectly, more
11 than a 10 percent ~~[10-percent]~~ interest in a business entity or
12 other organization receiving funds from the authority; or

13 (5) uses or receives a substantial amount of tangible
14 goods, services, or funds from the authority, other than
15 reimbursement authorized by law for service on the board of the
16 authority.

17 **(b)** ~~[(j)]~~ For purposes of Subsection **(a)(2)** ~~[(i)(2) of this~~
18 ~~section]~~, "**[a] Texas trade association**" means ~~[is]~~ a nonprofit,
19 cooperative, and voluntarily joined association of business or
20 professional competitors in this state designed to assist the
21 association's ~~[its]~~ members and the members' ~~[its]~~ industry or
22 profession in dealing with mutual business or professional problems
23 and in promoting the members' ~~[their]~~ common interest.

24 **(c)** ~~[(k)]~~ A person may not serve as a member of the
25 authority ~~[or act as the general counsel to the authority]~~ if the
26 person is required to register as a lobbyist under Chapter 305,
27 Government Code, because of the person's activities for

1 compensation on behalf of a profession related to [~~law enforcement~~
2 ~~or~~] motor vehicle insurance or law enforcement.

3 SECTION 4.07. Section 3(e), Article 4413(37), Revised
4 Statutes, is transferred to Subchapter B, Chapter 1006,
5 Transportation Code, as added by this Act, redesignated as Section
6 1006.053, Transportation Code, and amended to read as follows:

7 Sec. 1006.053. TERM OF OFFICE; VACANCY. (a) [~~(e)~~] The six
8 members of the authority appointed by the governor serve staggered
9 six-year terms, with the terms of two members expiring February 1 of
10 each odd-numbered year.

11 (b) If there is a vacancy during a term, the governor shall
12 appoint a replacement who meets the requirements of the vacant
13 office to fill the unexpired term.

14 SECTION 4.08. Section 5(a), Article 4413(37), Revised
15 Statutes, is transferred to Subchapter B, Chapter 1006,
16 Transportation Code, as added by this Act, redesignated as Section
17 1006.054, Transportation Code, and amended to read as follows:

18 Sec. 1006.054. PRESIDING OFFICER. [~~(a)~~] The governor
19 shall designate a member of the authority as the presiding officer
20 of the authority to serve in that capacity at the pleasure of the
21 governor.

22 SECTION 4.09. Sections 3(f), (g), (h), and (l), Article
23 4413(37), Revised Statutes, are transferred to Subchapter B,
24 Chapter 1006, Transportation Code, as added by this Act,
25 redesignated as Sections 1006.055 and 1006.056, Transportation
26 Code, and amended to read as follows:

27 Sec. 1006.055. GROUNDS FOR REMOVAL. (a) [~~(f)~~] It is a

ground for removal from the authority if a member:

(1) does not have at the time of appointment the qualifications required by Section 1006.051(b) [~~Subsection (b)~~] or is disqualified under Section 1006.052 [~~Subsection (i) or (k) of this section~~];

(2) does not maintain during service on the authority the qualifications required by Section 1006.051(b) [~~Subsection (b)~~] or becomes disqualified under Section 1006.052 [~~Subsection (i) or (k) of this section~~];

(3) cannot, because of illness or disability, discharge the member's duties for a substantial part of the member's term [~~for which the member is appointed~~]; or

(4) is absent from more than half of the regularly scheduled authority meetings that the member is eligible to attend during a calendar year.

(b) [~~(a)~~] The validity of an action of the authority is not affected by the fact that it is taken when a ground for removal of a member of the authority exists.

(c) [~~(b)~~] If the executive director has knowledge that a potential ground for removal exists, the executive director shall notify the presiding officer of the authority of the potential ground. The presiding officer shall then notify the governor and the attorney general that a potential ground for removal exists. If the potential ground for removal involves the presiding officer, the executive director shall notify the next highest officer of the authority, who shall notify the governor and the attorney general that a potential ground for removal exists.

1 Sec. 1006.056. INFORMATION ON QUALIFICATIONS AND CONDUCT.

2 ~~[(1)]~~ The executive director or the executive director's designee
3 shall provide to members of the authority, as often as necessary,
4 information regarding the members' ~~[their]~~ qualifications for
5 office under this chapter ~~[article]~~ and their responsibilities
6 under applicable laws relating to standards of conduct for state
7 officers.

8 SECTION 4.10. Sections 5(c), (d), and (e), Article
9 4413(37), Revised Statutes, are transferred to Subchapter B,
10 Chapter 1006, Transportation Code, as added by this Act,
11 redesignated as Section 1006.057, Transportation Code, and amended
12 to read as follows:

13 Sec. 1006.057. MEMBER TRAINING. (a) A ~~[(c) To be eligible~~
14 ~~to take office as a member of the authority, a]~~ person who is
15 appointed to and qualifies for office as a member of the authority
16 may not vote, deliberate, or be counted as a member in attendance at
17 a meeting of the authority until the person completes ~~[must~~
18 ~~complete at least one course of]~~ a training program that complies
19 with this section ~~[Subsection (d)]~~.

20 (b) ~~[(d)]~~ The training program ~~[required by Subsection (c)]~~
21 must provide the person with information ~~[to the person]~~ regarding:

22 (1) the law governing authority operations ~~[enabling~~
23 ~~legislation that created the authority and its policymaking body to~~
24 ~~which the member is appointed to serve]~~;

25 (2) the programs, functions, rules, and budget of
26 ~~[operated by]~~ the authority;

27 (3) the scope of and limitations on the rulemaking

1 authority ~~[role and functions]~~ of the authority;

2 (4) ~~[the rules of the authority and the department,~~
3 ~~[5) the current budget for the authority,~~
4 ~~[6)]~~ the results of the most recent formal audit of
5 the authority;

6 (5) ~~[(7)]~~ the requirements of ~~[the]~~:

7 (A) laws relating to open meetings, public
8 information, ~~[law, Chapter 551, Government Code,~~

9 ~~[(B) open records law, Chapter 552, Government~~
10 ~~Code; and~~

11 ~~[(C)]~~ administrative procedure ~~[law],~~ and
12 disclosure of conflicts of interest; and

13 (B) other laws applicable to members of the
14 authority in performing their duties ~~[Chapter 2001, Government~~
15 ~~Code,~~

16 ~~[(8) the requirements of the conflict-of-interest~~
17 ~~laws and other laws relating to public officials]; and~~

18 (6) ~~[(9)]~~ any applicable ethics policies adopted by
19 the department or the Texas Ethics Commission.

20 (c) ~~[(e)]~~ A person appointed to the authority is entitled to
21 reimbursement, as provided by the General Appropriations Act, for
22 the travel expenses incurred in attending the training program,
23 regardless of whether the attendance at the program occurs before
24 or after ~~[required by Subsection (e) as provided by the General~~
25 ~~Appropriations Act and as if]~~ the person qualifies for office ~~[were~~
26 ~~a member of the authority].~~

27 (d) The executive director shall create a training manual

1 that includes the information required by Subsection (b). The
 2 executive director shall distribute a copy of the training manual
 3 annually to each member of the authority. Each member of the
 4 authority shall sign and submit to the executive director a
 5 statement acknowledging that the member received and has reviewed
 6 the training manual.

7 SECTION 4.11. Section 4, Article 4413(37), Revised
 8 Statutes, is transferred to Subchapter B, Chapter 1006,
 9 Transportation Code, as added by this Act, redesignated as Section
 10 1006.058, Transportation Code, and amended to read as follows:

11 Sec. 1006.058 [4]. REIMBURSEMENT FOR EXPENSES. A member of
 12 the authority is not entitled to compensation for service on the
 13 authority but is entitled to reimbursement for expenses incurred in
 14 performing the member's duties at the rate provided by [~~in~~] the
 15 General Appropriations Act.

16 SECTION 4.12. Sections 6(e), (f), and (g), Article
 17 4413(37), Revised Statutes, are transferred to Subchapter B,
 18 Chapter 1006, Transportation Code, as added by this Act,
 19 redesignated as Sections 1006.059 and 1006.060, Transportation
 20 Code, and amended to read as follows:

21 Sec. 1006.059. PERSONNEL AND SERVICES. (a) [~~(e)~~] The
 22 authority may be provided various services only by or through the
 23 department as needed to carry out the authority's [~~its~~] purposes,
 24 powers, and duties. These services may include[~~, but are not~~
 25 ~~limited to,~~] legal services not provided by the attorney general,
 26 fiscal services, administrative services, and personnel services.
 27 [~~Except as provided by this section, the authority may enter into~~

~~contracts in its own name and on its own behalf with recipients of grants for purposes of this article.]~~

(b) ~~[(f)]~~ The department shall provide personnel and services to the authority as agreed by the authority and the department.

Sec. 1006.060. DIVISION OF RESPONSIBILITIES. ~~[(g)]~~ The authority shall, in coordination with the department, develop and implement policies that clearly separate the policymaking responsibilities of the authority and the management responsibilities of the department.

SECTION 4.13. Section 5(b), Article 4413(37), Revised Statutes, is transferred to Subchapter B, Chapter 1006, Transportation Code, as added by this Act, redesignated as Section 1006.061, Transportation Code, and amended to read as follows:

Sec. 1006.061. MEETINGS. ~~[(h)]~~ The authority shall meet at the call of the presiding officer ~~[chairman]~~ or at the call of four members.

SECTION 4.14. Section 6(h), Article 4413(37), Revised Statutes, is transferred to Subchapter B, Chapter 1006, Transportation Code, as added by this Act, redesignated as Section 1006.062, Transportation Code, and amended to read as follows:

Sec. 1006.062. PUBLIC TESTIMONY. ~~[(h)]~~ The authority shall develop and implement policies that provide the public with a reasonable opportunity to appear before the authority and to speak on any issue under the [its] jurisdiction of the authority.

SECTION 4.15. Subchapter B, Chapter 1006, Transportation Code, as added by this Act, is amended by adding Section 1006.063 to

read as follows:

Sec. 1006.063. LOBBYIST PROHIBITION: GENERAL COUNSEL. A person may not act as the general counsel to the authority if the person is required to register as a lobbyist under Chapter 305, Government Code, because of the person's activities for compensation on behalf of a profession related to motor vehicle insurance or law enforcement.

SECTION 4.16. Chapter 1006, Transportation Code, as added by this Act, is amended by adding Subchapter C, and a heading is added to that subchapter to read as follows:

SUBCHAPTER C. POWERS AND DUTIES

SECTION 4.17. Sections 6(a), (b), (c), and (d), Article 4413(37), Revised Statutes, are transferred to Subchapter C, Chapter 1006, Transportation Code, as added by this Act, redesignated as Section 1006.101, Transportation Code, and amended to read as follows:

Sec. 1006.101. GENERAL POWERS AND DUTIES. (a) The authority shall adopt rules to implement the authority's ~~[its]~~ powers and duties.

(b) The authority may solicit and accept gifts and grants.

(c) The authority may only use ~~[only]~~ staff of the department and may delegate authority to the staff as needed.

(d) Not later than April 1 of each year, the authority shall report on the authority's ~~[its]~~ activities to the lieutenant governor and the speaker of the house of representatives.

SECTION 4.18. Section 7, Article 4413(37), Revised Statutes, as amended by Chapters 308 (H.B. 1887) and 927 (H.B.

3225), Acts of the 80th Legislature, Regular Session, 2007, is transferred to Subchapter C, Chapter 1006, Transportation Code, as added by this Act, redesignated as Section 1006.102, Transportation Code, reenacted, and amended to read as follows:

Sec. 1006.102 [7]. PLAN OF OPERATION. (a) The authority shall develop and implement a plan of operation. The plan of operation must be updated biennially and filed with the legislature not later than ~~[on or before]~~ December 1 of each even-numbered year.

(b) The plan of operation must include:

(1) an assessment of the scope of the problems of motor vehicle burglary or theft and fraud-related motor vehicle crime ~~[economic motor vehicle theft]~~, including particular areas of the state where the problems are greatest;

(2) an analysis of various methods of combating the problems of motor vehicle burglary or theft and fraud-related motor vehicle crime ~~[economic motor vehicle theft]~~;

(3) a plan for providing financial support to combat motor vehicle burglary or theft and fraud-related motor vehicle crime ~~[economic motor vehicle theft]~~; and

(4) an estimate of the funds required to implement the plan of operation.

SECTION 4.19. Section 12, Article 4413(37), Revised Statutes, is transferred to Subchapter C, Chapter 1006, Transportation Code, as added by this Act, redesignated as Section 1006.103, Transportation Code, and amended to read as follows:

Sec. 1006.103 [12]. ADVISORY COMMITTEES. (a) The authority may establish advisory committees to advise the authority

1 ~~[it]~~ on any matter under the jurisdiction of the authority.

2 (b) Section 2110.008, Government Code, does not apply to an
3 advisory committee established under this section if the advisory
4 committee is:

5 (1) established for a specific and immediate need; and

6 (2) dissolved before the first anniversary of the date
7 the committee is created.

8 (c) A member of an advisory committee may not be compensated
9 by the authority for committee service but is entitled to
10 reimbursement for actual and necessary expenses incurred in the
11 performance of committee service.

12 SECTION 4.20. Chapter 1006, Transportation Code, as added
13 by this Act, is amended by adding Subchapter D, and a heading is
14 added to that subchapter to read as follows:

15 SUBCHAPTER D. FINANCIAL PROVISIONS

16 SECTION 4.21. Sections 6(j) and (k), Article 4413(37),
17 Revised Statutes, are transferred to Subchapter D, Chapter 1006,
18 Transportation Code, as added by this Act, redesignated as Section
19 1006.151, Transportation Code, and amended to read as follows:

20 Sec. 1006.151. GRANTS. (a) Subject to the requirements of
21 this section, the authority may enter into contracts in the
22 authority's own name and on the authority's own behalf with
23 recipients of grants for purposes of this chapter.

24 (b) ~~[(j)]~~ The authority shall:

25 (1) develop and periodically update ~~[use]~~ standard
26 performance measures for each category of grants provided by the
27 authority for use in ~~[order to]~~ assessing ~~[assess]~~ grantee success

in achieving the purposes of this chapter [~~article~~]; and

(2) ensure that grants are used to help increase:

(A) the recovery rate of stolen motor vehicles;

(B) the clearance rate of:

(i) motor vehicle burglaries and thefts;

and

(ii) fraud-related motor vehicle crimes;

and

(C) the number of persons arrested for motor vehicle burglary and theft and fraud-related motor vehicle crime.

(c) [(k)] The authority shall allocate grant funds primarily based on the number of motor vehicles stolen in, or the motor vehicle burglary or theft rate across, and the number of fraud-related motor vehicle crimes committed in the state rather than based on geographic distribution.

(d) The authority shall, in consultation with the department, annually update the performance measures developed under Subsection (b).

SECTION 4.22. Sections 6A and 10, Article 4413(37), Revised Statutes, are transferred to Subchapter D, Chapter 1006, Transportation Code, as added by this Act, redesignated as Sections 1006.152 and 1006.153, Transportation Code, and amended to read as follows:

Sec. 1006.152 [~~6A~~]. REFUNDS [~~POWER TO REFUND~~]. (a) The authority may make determinations regarding the sufficiency of payments made by an ["insurer"] ~~(as defined under Section 10 of this article)~~ of fees collected under [~~pursuant to~~] Section

1 1006.153 [~~10 of this article~~].

2 (b) Pursuant to a [~~such~~] determination made under
3 Subsection (a), the authority may:

4 (1) notify the comptroller that payments made by an
5 insurer are sufficient; and

6 (2) request the comptroller to draw warrants on the
7 funds available to the authority for the purpose of refunding money
8 [~~monies~~] to an insurer.

9 (c) The authority shall make the determination under
10 [~~Subsection (b) of~~] this section as follows:

11 (1) the two members of the authority who are
12 representatives of insurance companies writing motor vehicle
13 insurance in this state shall recuse themselves; and

14 (2) the remaining five members of the authority shall
15 make the determination by a simple majority vote.

16 (d) Determinations made under this section shall be
17 performed in accordance with procedures set forth in rules adopted
18 by the authority. The question of eligibility for a refund is not a
19 contested case under [~~within the meaning of the Administrative~~
20 ~~Procedure Act (~~Chapter 2001, Government Code~~)~~].

21 (e) A [~~Except as provided by Subsection (f), a~~] request for
22 a refund made under this section must be made not later than four
23 years after the date the payment was made to the authority under
24 Section 1006.153 [~~10 of this article~~].

25 Sec. 1006.153 [~~10~~]. FEE IMPOSED ON INSURER. (a) In this
26 section, [+

27 [~~(1) "Insurer" means any insurance company writing any~~

1 ~~form of motor vehicle insurance in this state, including an~~
2 ~~interinsurance or reciprocal exchange, mutual company, mutual~~
3 ~~association, or Lloyd's plan.~~

4 [(2)] "motor [~~Motor~~] vehicle years of insurance" means
5 the total number of years or portions of years during which a motor
6 vehicle is covered by insurance.

7 (b) An insurer shall pay to the authority a fee equal to \$2
8 multiplied by the total number of motor vehicle years of insurance
9 for insurance policies delivered, issued for delivery, or renewed
10 by the insurer. The fee shall be paid not later than:

11 (1) March 1 of each year for a policy delivered,
12 issued, [~~delivered~~], or renewed from July 1 through December 31 of
13 the previous calendar year; and

14 (2) August 1 of each year for a policy delivered,
15 issued, [~~delivered~~], or renewed from January 1 through June 30 of
16 that year.

17 (c) The fee imposed by this section is in addition to any
18 other fee or tax imposed by law on an insurer.

19 (d) The authority shall notify the Texas Department [~~State~~
20 ~~Board~~] of Insurance of any insurer that fails to pay the fee
21 required by this section, and the Texas Department of Insurance
22 [~~board~~] may for that reason revoke the insurer's certificate of
23 authority.

24 (e) Fifty percent of each fee collected under Subsection (b)
25 may be appropriated only to the authority for the purposes of this
26 chapter [~~article~~].

27 SECTION 4.23. Section 8, Article 4413(37), Revised

Statutes, as amended by Chapters 308 (H.B. 1887) and 927 (H.B. 3225), Acts of the 80th Legislature, Regular Session, 2007, is transferred to Subchapter D, Chapter 1006, Transportation Code, as added by this Act, redesignated as Section 1006.154, Transportation Code, reenacted, and amended to read as follows:

Sec. 1006.154 [~~8~~]. USE OF APPROPRIATED FUNDS. (a) Money appropriated to the department for authority purposes shall be used by the authority to pay the department for administrative costs and to achieve the purposes of this chapter [~~article~~], including:

(1) [~~establishing and funding the motor vehicle registration program required by Section 9 of this article,~~

~~(2)]~~ providing financial support to law enforcement agencies for economic motor vehicle theft and fraud-related motor vehicle crime enforcement teams;

(2) (3) [~~(3)~~] providing financial support to law enforcement agencies, local prosecutors, judicial agencies, and neighborhood, community, business, and nonprofit organizations for programs designed to reduce the incidence of economic motor vehicle theft and fraud-related motor vehicle crime;

(3) (4) [~~(4)~~] conducting educational programs designed to inform motor vehicle owners of methods of preventing motor vehicle burglary or theft and fraud-related motor vehicle crime;

(4) (5) [~~(5)~~] providing equipment, for experimental purposes, to assist motor vehicle owners in preventing motor vehicle burglary or theft; and

(5) (6) [~~(6)~~] establishing a uniform program to prevent stolen motor vehicles from entering Mexico.

1 (b) In any fiscal year, the amount of the administrative
2 expenses of the authority, including salaries, travel and marketing
3 expenses, and other overhead expenses may not exceed eight percent
4 of the total expenditures of the authority.

5 (c) The cost of personnel and services provided to the
6 authority by the department and by the attorney general may be paid
7 only from appropriations made for authority purposes.
8 Appropriations made for authority purposes may not be used for any
9 other purpose.

10 SECTION 4.24. Section 6(i), Article 4413(37), Revised
11 Statutes, is transferred to Subchapter D, Chapter 1006,
12 Transportation Code, as added by this Act, redesignated as Section
13 1006.155, Transportation Code, and amended to read as follows:

14 Sec. 1006.155. ANNUAL FINANCIAL REPORT. [~~(i)~~] The
15 authority shall prepare annually a complete and detailed written
16 report accounting for all funds received and disbursed by the
17 authority during the preceding fiscal year. The annual report must
18 meet the reporting requirements applicable to financial reporting
19 provided by [~~in~~] the General Appropriations Act.

20 SECTION 4.25. Section 981.073(b), Insurance Code, is
21 amended to read as follows:

22 (b) A domestic surplus lines insurer is not subject to:

- 23 (1) Section 38.003;
- 24 (2) Chapter 462;
- 25 (3) Chapter 463;
- 26 (4) Chapter 501;
- 27 (5) Section 981.051;

- (6) Section 981.101(b);
- (7) Chapter 2007;
- (8) Chapter 2301;
- (9) Chapter 2251; and
- (10) Chapter 1006, Transportation Code [~~Article 4413(37), Revised Statutes~~].

SECTION 4.26. Section 201.805(a), Transportation Code, is amended to read as follows:

(a) The department shall annually publish in appropriate media and on the department's Internet website in a format that allows the information to be read into a commercially available electronic database a statistical comparison of department districts and the following information, calculated on a per capita basis considering the most recent census data and listed for each county and for the state for each fiscal year:

- (1) the number of square miles;
- (2) the number of vehicles registered;
- (3) the population;
- (4) daily vehicle miles;
- (5) the number of centerline miles and lane miles;
- (6) construction, maintenance, and contracted routine and preventive maintenance expenditures;
- (7) combined construction, maintenance, and contracted routine and preventive maintenance expenditures;
- (8) the number of district and division office construction and maintenance employees;
- (9) information regarding grant programs, including:

- 1 (A) Motor Vehicle Crime [~~Automobile Theft~~]
2 Prevention Authority grants;
- 3 (B) Routine Airport Maintenance Program grants;
- 4 (C) Public Transportation Grant Program grants;
- 5 (D) Medical Transportation Program grants; and
- 6 (E) aviation grants or aviation capital
7 improvement grants;
- 8 (10) approved State Infrastructure Bank loans;
- 9 (11) Texas Traffic Safety Program grants and
10 expenditures;
- 11 (12) the dollar amount of any pass-through toll
12 agreements;
- 13 (13) the percentage of highway construction projects
14 completed on time;
- 15 (14) the percentage of highway construction projects
16 that cost:
- 17 (A) more than the contract amount; and
- 18 (B) less than the contract amount; and
- 19 (15) a description of real property acquired by the
20 department through the exercise of eminent domain, including the
21 acreage of the property and the location of the property.

22 SECTION 4.27. Section [1001.151\(c\)](#), Transportation Code, is
23 amended to read as follows:

24 (c) Money appropriated to the department for Motor Vehicle
25 Crime [~~Automobile Burglary and Theft~~] Prevention Authority
26 purposes and other revenue collected or received by the Motor
27 Vehicle Crime [~~Automobile Burglary and Theft~~] Prevention Authority

1 may not be deposited into the fund.

2 SECTION 4.28. The following provisions are repealed:

3 (1) Sections 9 and 11, Article 4413(37), Revised
4 Statutes;

5 (2) the headings to Sections 3, 5, and 6, Article
6 4413(37), Revised Statutes; and

7 (3) the heading to Article 4413(37), Revised Statutes.

8 SECTION 4.29. (a) Except as provided by Subsection (b) of
9 this section, Section 1006.057, Transportation Code, as
10 transferred, redesignated, and amended by this Act, applies to a
11 person who is appointed before, on, or after the effective date of
12 this Act to the Automobile Burglary and Theft Prevention Authority
13 or Motor Vehicle Crime Prevention Authority, as applicable.

14 (b) A member of the Motor Vehicle Crime Prevention Authority
15 who, before the effective date of this Act, completed the training
16 program required by Sections 5(c), (d), and (e), Article 4413(37),
17 Revised Statutes, as that law existed before the effective date of
18 this Act, is required to complete additional training only on
19 subjects added by this Act to the training program as required by
20 Section 1006.057, Transportation Code, as transferred,
21 redesignated, and amended by this Act. A member described by this
22 subsection may not vote, deliberate, or be counted as a member in
23 attendance at a meeting of the authority held on or after December
24 1, 2019, until the member completes the additional training.

25 SECTION 4.30. (a) On the effective date of this Act:

26 (1) the name of the Automobile Burglary and Theft
27 Prevention Authority is changed to the Motor Vehicle Crime

1 Prevention Authority, and all powers, duties, rights, and
2 obligations of the Automobile Burglary and Theft Prevention
3 Authority are the powers, duties, rights, and obligations of the
4 Motor Vehicle Crime Prevention Authority;

5 (2) a member of the Automobile Burglary and Theft
6 Prevention Authority is a member of the Motor Vehicle Crime
7 Prevention Authority; and

8 (3) any appropriation for the Automobile Burglary and
9 Theft Prevention Authority is an appropriation for the Motor
10 Vehicle Crime Prevention Authority.

11 (b) On and after the effective date of this Act, a reference
12 in law to the Automobile Burglary and Theft Prevention Authority is
13 a reference to the Motor Vehicle Crime Prevention Authority.

14 (c) The Motor Vehicle Crime Prevention Authority is the
15 authority formerly known as the Automobile Burglary and Theft
16 Prevention Authority in all respects. All personnel, equipment,
17 data, documents, facilities, contracts, items, other property,
18 rules, decisions, and proceedings of or involving the Automobile
19 Burglary and Theft Prevention Authority are unaffected by the
20 change in the name of the authority.

21 ARTICLE 5. STUDY ON IMPOSING FEES ON ALTERNATIVELY FUELED VEHICLES

22 SECTION 5.01. DEFINITIONS. In this article:

23 (1) "Alternatively fueled vehicle" has the meaning
24 assigned by Section 502.004, Transportation Code.

25 (2) "Conventional vehicle" means a vehicle, as defined
26 by Section 502.001, Transportation Code, that is exclusively
27 powered by gasoline or diesel fuel.

1 (3) "Motor fuel taxes" means the motor fuel taxes
2 imposed under Chapter 162, Tax Code.

3 SECTION 5.02. STUDY AND REPORT. (a) Using existing funds,
4 the Texas Department of Motor Vehicles shall organize a study on:

5 (1) the impact of the alternatively fueled vehicles
6 industry on the state;

7 (2) the options available to the state for collecting
8 fees from owners of alternatively fueled vehicles to replace the
9 loss of revenue from motor fuel taxes; and

10 (3) the feasibility and desirability of establishing a
11 fee for alternatively fueled vehicles.

12 (b) The study organized under Subsection (a) of this section
13 shall be conducted by:

14 (1) the Texas Department of Motor Vehicles;

15 (2) the Public Utility Commission of Texas;

16 (3) the Texas Department of Transportation;

17 (4) the Department of Public Safety of the State of
18 Texas; and

19 (5) the Texas Commission on Environmental Quality.

20 (c) The study must examine:

21 (1) the current revenue generated from motor fuel
22 taxes imposed on a conventional vehicle and each type of
23 alternatively fueled vehicle for each mile the vehicle is operated;

24 (2) the net revenue generated by fees and taxes paid by
25 owners of alternatively fueled vehicles and conventional vehicles
26 for the use of the vehicle, including motor vehicle registration
27 fees under Chapter 502, Transportation Code, motor fuel taxes, and

1 taxes, fees, and surcharges on the retail sale of electricity
2 consumed by alternatively fueled vehicles;

3 (3) the methods to determine the average number of
4 miles traveled in this state by alternatively fueled vehicles and
5 conventional vehicles each year;

6 (4) the type and amount of fees by which other states
7 generate revenue from alternatively fueled vehicles and
8 conventional vehicles;

9 (5) alternative methods for determining and
10 collecting road use fees from owners of alternatively fueled
11 vehicles, including methods that consider the weight of and the
12 number of miles traveled by an alternatively fueled vehicle;

13 (6) the projected revenue to the state for each method
14 examined under Subdivision (5) of this subsection;

15 (7) the projected impact of alternatively fueled
16 vehicles on the state highway system, including the maintenance
17 required because of the impact;

18 (8) the projected direct environmental benefit of
19 alternatively fueled vehicles on vehicle emissions in this state;
20 and

21 (9) the projected impact of alternatively fueled
22 vehicles to the state's power grids and electricity markets.

23 (d) Not later than December 1, 2020, the Texas Department of
24 Motor Vehicles shall prepare and submit to the governor, lieutenant
25 governor, speaker of the house of representatives, and members of
26 the legislature a written report that includes a summary of the
27 results of the study conducted under this section and any

1 legislative recommendations based on the study.

2 SECTION 5.03. EXPIRATION DATE. This article expires
3 September 1, 2021.

4 ARTICLE 6. EFFECTIVE DATE

5 SECTION 6.01. This Act takes effect September 1, 2019.